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UNITED STATES DISTRICT COURT WESTERN DISTRICT OF VIRGINIA ABINGDON DIVISION

CRIMINAL MINUTES – MOTION HEARING AND JURY TRIAL Jury Trial - Day 1

Case No.: 1:17CR27 Date: 12/2/2024

Defendant: Joel Smithers, Custody Counsel: Beau Brindley

Michael Thompson Edward McDavid

PRESENT: JUDGE: James P. Jones

Deputy Clerk: Felicia Clark

Court Reporter: Cynthia Bragg, OCR

U. S. Attorney: Randy Ramseyer, Corey Hall, & Suzanne Kerney-Quillen

USPO: Not Present Case Agent: Patrick Long

MOTION HEARING: 10:07 – 10:27 a.m. (20 minutes)

Outside the presence of the jury, all parties were present and ready to proceed. Court is not prepared to rule on the jury instructions at this time. Motion hearing held in re: DE 462 – Second Motion in Limine to Limit Expert Testimony. Oral argument by counsel. Court denied DE 462. Court recessed at 10:27 a.m.

JURY TRIAL – DAY 1:

Time in Court: 10:44 a.m. – 1:26 p.m. 2:13 p.m. – 4:24 p.m.

Total Time in Court: 4 hours 53 minutes

PROCEEDINGS:

45 jurors present and sworn on Voir Dire.

8 jurors struck for cause.

6 jurors struck by Government.

10 jurors struck by Defendant.

12 member jury and 4 alternates were impaneled and sworn. Remaining jurors discharged.

Preliminary remarks and instructions to jury by Court.

Opening Statements by counsel.

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Additional Information:

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10:44 a.m. - Jury Trial Day 1 held. All parties were present and ready to proceed. Outside the presence of the jury. Government brought a potential juror conflict to the court's attention. Potential jurors were brought into the courtroom. There were 45 jurors present and sworn on voir dire. Voir dire held. Outside the presence of the jury, court discussed challenges for cause with counsel. Court questioned potential jurors Mr. Shuler and Mr. Elliott outside the presence of the other jurors. Jurors were brought back into the courtroom. Court recessed for lunch at 1:26 p.m. Court resumed at 2:13 p.m. Outside the presence of the jury, challenges for cause by counsel. Potential jurors returned to the courtroom. There were 12 jurors and 4 alternates selected. Preliminary instructions were given to the jury. Opening statements by counsel. Jurors were released for the day to report again on 12/3/2024 at 9:00 a.m. Oral motion to seal exhibit A to 463 by Government. Court granted oral motion. Court adjourned at 4:24 p.m.